

like to give an example and ask you to give a response to it if you could and let me just take a hypothetical example. Let's assume that I'm insured by insurance company XYZ and Ron Wilhelm is also insured by insurance company XYZ and one on December 23rd of a given year during an office party that this insurance company, the clerks are having a little bit of a party and they are trying to get a little work done at the same time, and a fraudulent claim comes in from Ron Wilhelm. That information gets stuck in Ron Withem's file because the clerk wasn't taking the care needed. That then shows up on the insurance company's computer. This information is given to the law enforcement agencies, the law enforcement agencies send out an investigating team. Ron Withem finds himself being prosecuted for the crime. Ron Withem hires an attorney, pays \$10,000. Ron Withem's wife gets upset with him, divorces him. The bank decides I'm not a good credit risk, they foreclose on my home all because of a mistake made by a clerk within this insurance company. If this particular portion of the bill stays on, am I precluded from suing that company or that individual for the damages due me due to their negligence in not being careful in releasing this information?

SENATOR BARRETT: Well the bill speaks only to the matter, Senator Withem, of releasing or receiving information. This...

SENATOR WITHEM: This is a release of the information that was in my file.

SENATOR BARRETT: But this would be clerical, this would be a clerical error, would it not be, or a computer error? This would not be an error on the part of an insurer or a law enforcement agency.

SENATOR WITHEM: It would be releasing information that is false. It should not have been released, it causes me damages, I would think. Now, not being an attorney, maybe Senator Ashford can respond to this or some of the other attorneys can respond to that, but I think that's what we're releasing that individual from and unless I can be convinced otherwise I'm going to support the Ashford amendment. Thank you.

SENATOR LABEDZ: Thank you, Senator Withem.

SENATOR WITHEM: (Microphone not turned on immediately.)
...allow him to respond.